

**Before the State of South Carolina
Department of Insurance**

In the matter of:

John Fulton
316 Gausetown Road
Kingstree, S.C. 29556

SCDOI File Number: 126364.

**Default Order Revoking
All Licensing Privileges**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2004), by the State of South Carolina Department of Insurance upon John Fulton, a licensed South Carolina resident insurance producer, by both certified mail, return receipt requested, and by regular mail on or about October 7, 2005.

Those letters informed Mr. Fulton of his right to request a public hearing upon the allegations of impropriety contained within the letters against him. The letters further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite those warnings, Mr. Fulton has failed to respond to the Department's letters. On November 9, 2005, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance producer within the State of South Carolina for American General Life & Accident Insurance Company, Mr. Fulton left his employment with a gross deficiency of at least \$1,111.51 dollars. This act, as alleged, is a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2004). That Code section provides that "the director or his designee may revoke or suspend a producer's license after ten day's notice...when it appears that a producer...has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (C)(4) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, but not limited to, action or inaction by the producer as follows: "improperly withholding, misappropriating, or converting any monies received in the course of doing insurance business."

In accordance with my findings of fact, and considering John Fulton's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(C)(4) (Supp. 2004), and that his licensing privileges should be revoked.

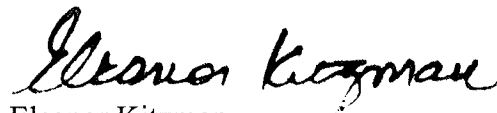
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under

the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2004).

It is therefore ordered that John Fulton's license to transact business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina's Department of Insurance is to be issued to him.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which John Fulton is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

This order becomes effective as of the date of my signature below.



Eleanor Kitzman
Director

Nov 14, 2005, at
Columbia, South Carolina

**Before the State of South Carolina
Department of Insurance**

In the matter of:

John Fulton,
316 Gausetown Road
Kingstree, SC 29556.

SCDOI File Number: 126364.

Affidavit of Default

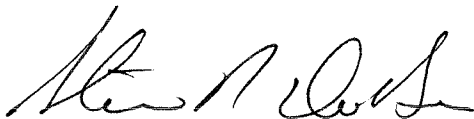
Personally appeared before me Rachel Harper, who, being duly sworn, stated that at all times relevant to this Affidavit of Default she was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. She further stated the following:

The Department served notice on John Fulton, at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." The Notice further informed Mr. Fulton of his opportunity, **within thirty days**, to request in writing a public hearing.

The Department mailed the Notice by certified mail, return receipt requested, and by regular mail, on or about October 7, 2005. The United States Postal Service attempted delivery on at least two separate occasions, to no avail. Our Department's letter was returned to us unopened.


John Fulton has made no request for a public hearing, nor provided any other response to the Department's letter. Respondent has also failed to provide our Department with a current address. The time in which to do so has expired. He is now in default.

Sworn to and subscribed before me
this 14 day of November, 2005.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: August 14, 2008 May 10, 2009

Rachel Harper
Associate General Counsel



South Carolina Department of Insurance
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